

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6/25/24
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HONG DANIELLE ACCETTOLA,

Plaintiff,

-v-

LINDA MEI HE et al.,

Defendants.  
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23-cv-1983 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:


Plaintiff has requested by letter dated June 24, 2024, Dkt. No. 45, to withdraw and strike from the docket Plaintiff's prior sealed *ex parte* letter dated June 18, 2024, Dkt. No. 43.

The request to strike is denied. The only authority for a motion to strike of which the Court is aware is that contained in Federal Rule of Civil Procedure 12(f). *See Brown v. Maxwell*, 929 F.3d 41, 51-52 (2d Cir. 2019). Rule 12(f) provides that a court "may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Fed. R. Civ. P. 12(f). "However, motions to strike under Rule 12(f) are generally 'disfavored and granted only if there is strong reason to do so.'" *Sweigert v. Goodman*, 2021 WL 603069, at \*1 (S.D.N.Y. Feb. 16, 2021) (quoting *Anderson News, L.L.C. v. Am. Media, Inc.*, 2013 WL 1746062, at \*3 (S.D.N.Y. Apr. 23, 2013)); *Beatie & Osborn LLP v. Patriot Sci. Corp.*, 431 F. Supp. 2d 367, 398 (S.D.N.Y. 2006) ("The Second Circuit has made clear that district courts should be wary when deciding whether to grant a Rule 12(f) motion on the ground that the matter is impertinent and immaterial.") (citing *Lipsky v. Commonwealth United Corp.*, 551 F.2d 887, 893 (2d Cir. 1976)). Plaintiff has not cited any strong reason to do so. Plaintiff alludes to the existence of an order implicated by the material in the letter but she does not provide the Court a copy of the Order and, while Plaintiff admits that she does not know the contents of the Order, no other person or party states that disclosure of the letter would violate the Order.

Accordingly, Plaintiff's request is DENIED. The Court plans to direct the Clerk of Court to unseal the letter at Dkt. No. 43 on June 26, 2024.

SO ORDERED.

Dated: June 25, 2024  
New York, New York

  
LEWIS J. LIMAN  
United States District Judge